

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KEITH DAHL, in his Personal Capacity  
and as Personal Representative of the  
Estate of BRANDON DAHL, deceased,

Plaintiff,

v.

MASON COUNTY, et al.,

Defendants.

CASE NO. C16-5719 RBL

ORDER ON MOTIONS FOR  
SUMMARY JUDGMENT [DKT. 85;  
DKT. 97; DKT. 108]

THIS MATTER is before the Court on the Mason County Defendants' Motion for Partial Summary Judgment [Dkt. 85], Plaintiff's Motion for Partial Summary Judgment [Dkt. 97], and Defendant Health Care Delivery Systems' Motion for Summary Judgment [Dkt. 108]. The Court, having carefully considered the parties' written briefings, oral arguments, and for the reasons stated on the record during oral argument rules as follows:

**A. Mason County Defendants' Motion for Partial Summary Judgment (Dkt. 85)**

- The individual Mason County Defendants' Motion for Summary Judgment based on qualified immunity is **GRANTED IN PART** with respect to Defendants Jayson Zaniewski, Tammy Reeves, Michael Griensewic, Shane Schoeneberg, and James Belleville. These Defendants are **DISMISSED WITH PREJUDICE** from the lawsuit.

- The motion is **DENIED IN PART** with respect to Defendants Matt Gray, Brad McQuade, Joseph Ott, and Angela Langston (Brown). These Defendants remain in the lawsuit.
- Mason County's Motion for Summary Judgment on Plaintiff's § 1983 Claim is **DENIED**.
- Mason County's Motion for Summary Judgment on Plaintiff's state law personal capacity damages claim is **GRANTED** and that claim is DISMISSED WITH PREJUDICE.

**B. Plaintiff's Motion for Partial Summary Judgment (Dkt. 97)**

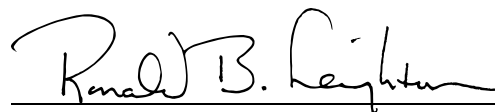
- Plaintiff's Motion for Summary Judgment on *respondeat superior* liability is **DENIED**.
- Plaintiff's Motion for Summary Judgment on Mason County's affirmative defense of comparative fault is **GRANTED**.
- Plaintiff's motion for a finding of negligence against Defendants as a matter of law is **DENIED**.

**C. Healthcare Delivery Systems Motion for Summary Judgment (Dkt. 108)**

- Defendant Healthcare Delivery Systems Motion for Summary Judgment on all claims is **DENIED**.

IT IS SO ORDERED.

Dated this 22<sup>nd</sup> day of January, 2018.



Ronald B. Leighton  
United States District Judge